

Rule 375-7-4-.04 Motorcycle Safety Program - Advisory Committee Standards

- (1) The Advisory Committee shall be composed of seven (7) members, at least three (3) of whom shall be active motorcycle riders possessing a valid Class M Georgia driver's license.
- (2) The Committee shall serve in an advisory capacity and assist in the development, implementation, monitoring, and evaluation of the Motorcycle Safety Program. The Committee shall make recommendations as to the criteria for certification of Instructors, certification of program sponsors, course content and curricula, approval of course completion requirements, and provide advice as to the issuance of rules and regulations governing the Motorcycle Safety Program.
- (3) The members of the Committee shall be recommended by the Program Administrator, approved by the Commissioner, and appointed by the Division Director for Regulatory Compliance~~Customer Service, Licensing and Records~~.
- (4) Appointees to the Committee shall include:
 - (a) A motorcycle dealer licensed in Georgia, a representative of a motorcycle manufacturer, or a representative of a dealer or manufacturer association or similar group within Georgia;
 - (b) A peace officer holding valid certification from the Georgia Peace Officer Standards and Training Council and a valid Class M Georgia driver's license who is active in highway safety;
 - (c) An educator currently employed by a recognized school district or educational institution in Georgia;
 - (d) A public member who shall be a member of the general, non-motorcycling public who has legal residence in Georgia;
 - (e) An active Georgia motorcyclist with a Class M License;
 - (f) An incumbent officer of a non-profit motorcycle organization that actively supports and promotes motorcycle rider education and safety; and
 - (g) The Program Administrator, whom also~~—The Program Administrator~~ shall chair the committee.
- (5) The Division Director for Regulatory Compliance~~Customer Service, Licensing, and Records~~ shall not appoint any person for whom participation in the Advisory Committee would pose an actual, potential, or apparent conflict of interest due to the existence of a fiduciary duty or any other relationship that would place the Appointee in a position to exert undue influence, exploit, or take undue advantage of his or her position on the Advisory Committee.
- (6) All appointees shall have and maintain a satisfactory criminal history and driving history. An appointee's criminal history is satisfactory if it contains no convictions for any felony or any crime involving violence, dishonesty, deceit, fraud, indecency or moral turpitude. A satisfactory driving history is defined as containing no more than three (3) convictions for

moving traffic violations as provided in O.C.G.A. § 40-5-56 within the last three (3) years; no unresolved license suspensions imposed pursuant to O.C.G.A. § 40-5-56 for failure to appear; no suspensions imposed pursuant to O.C.G.A. §§ 40-5-63 or 40-5-67.1 within the last five (5) years; and no habitual violator revocations pursuant to O.C.G.A. § 40-5-58. Each appointee may be subject to annual checks of their criminal and driving histories. For purposes of this regulation, conviction shall be defined as set forth in O.C.G.A. §§ 40-5-2 and 40-5-142.

(7) Committee members' office terms:

- (a) With the exception of the Program Administrator and as set forth in paragraph (c), *infra*, the term of office for Committee members shall be two (2) years;
- (b) Appointments shall become effective on July 1 and end on June 30, two (2) years later;
- (c) In order to stagger the terms of the members, the first terms for members appointed pursuant to paragraphs (a), (c), and (e) of subsection (4) following the 2009 revision of this regulation shall be for one (1) year; and
- (d) Any member may be removed, in the discretion of the Department, for any reason and at any time.

(8) The Advisory Committee shall meet quarterly or at the call of the Program Administrator.

(9) Advisory Committee members shall not receive any remuneration or reimbursement for their participation on the Committee.

Authority: O.C.G.A. ~~§§~~ 40-15-3.

SYNOPSIS

STATEMENT OF PURPOSE AND MAIN FEATURES OF PROPOSED RULE

The purpose of this amendment is to update the Georgia Motorcycle Safety Program rules.

DIFFERENCE BETWEEN EXISTING AND PROPOSED RULES

This proposed amendment updates who appoints members of the Advisory Committee to the Division Director of Regulatory Compliance, which the GMSP is within. The statutory authority is formatted correctly.